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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,604	08/13/2001	Janice M. Adams	BUR9-2001-0013-US1	7528

29154 7590 09/08/2004

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EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/928,604	ADAMS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher S. McCarthy	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/13/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 38 is objected to because of the following informalities: It is the second claim numbered 37 and is, therefore, renumbered as 38 for the sake of this prosecution. Appropriate correction is required.

### ***Double Patenting***

2. Claim 38 objected to under 37 CFR 1.75 as being a substantial duplicate of claim 37. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 26 rejected under 35 U.S.C. 101 because the preamble should recite a “computer-readable medium containing computer-readable instructions when executed perform the method of...”. All depending claims should recite “The computer-readable medium of...”

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Li U.S. Patent 6,637,013.

As per claim 1, Li teaches a method of auditing a design process, said method comprising: producing a library usage file for a step in a design process using design data (column 2, lines 44-67; column 6, lines 7-21); performing an audit by reading said library usage file and an audit rule into a quality monitor program (column 2, lines 44-67); and producing a report of errors in said library usage file based on said audit rule (column 2, lines 44-67; column 7, lines 1-5).

As per claim 2, Li teaches the method in claim 1, wherein said library usage file and/or said audit rule may include an OBJECT statement for a PROGRAM organized according to a parent-child relationship where said PROGRAM is said parent and said OBJECT statement is said child (column 7, line 10 – column 8, line 30).

As per claim 3, Li teaches the method in claim 2, wherein said library usage file and/or said audit rule file may include an INFO statement (column 7, line 16) for an OBJECT organized according to a parent-child relationship where said OBJECT is said parent and said INFO statement is said child (column 7, lines 53-56).

As per claim 4, Li teaches the method in claim 2, wherein said library usage file and/or said audit rule may include a TASK statement for an OBJECT organized according to a parent-child relationship where said OBJECT is said parent and said TASK statement is said child (column 7, lines 53-55).

As per claim 5, Li teaches the method in claim 3, wherein said INFO statement increases a reporting ability of said quality monitor program (column 7, line 16; column 2, lines 44-57).

As per claim 6, Li teaches the method in claim 3, wherein said library usage file INFO statement includes a value which may be checked by said quality monitor program during said audit (column 7, lines 16-18).

As per claim 7, Li teaches the method in claim 3, wherein said audit rule INFO statement may include a value checking expression used by said quality monitor program during said audit (column 7, lines 16-18).

As per claim 8, Li teaches the method in claim 1, wherein there is a query for a processing mode (if present) for said design step using said design data and technology data (column 5, lines 39-46); said audit is performed by reading said library usage file, said processing mode, and an audit rule into a quality monitor program, and said report of errors in said library usage file is based on said audit rule and said processing mode (column 2, lines 44-67; column 6, lines 7-21; column 7, line 1-5).

As per claim 9, Li teaches the method in claim 8, wherein said audit rule may include a condition used by said quality monitor to check said library usage file (column 2, lines 54-56).

As per claim 10, Li teaches the method in claim 9, wherein said quality monitor evaluates said condition using said processing mode to check said library usage file (column 2, lines 44-67).

As per claim 11, Li teaches a method of auditing a design process, said method comprising: producing a library usage file for a step in a design process using design data (column 2, lines 44-67; column 6, lines 7-21); querying for a processing mode (if present) for said design step using said design data and technology data (column 5, lines 39-46); performing an audit by reading said library usage file, said processing mode, and an audit rule into a quality monitor program, wherein said audit rule may include a condition used by said quality monitor to check said library usage file and wherein said quality monitor evaluates said condition using said processing mode (column 2, lines 44-67; column 6, lines 7-21; column 7, lines 1-5).

The method in claim 12, wherein said library usage file and/or said audit rule may include an OBJECT statement for a PROGRAM organized according to a parent-child relationship where said PROGRAM is said parent and said OBJECT statement is said child (column 7, lines 53-56; column 7, line 10 – column 8, line 30).

As per claim 13, Li teaches the method in claim 12, wherein said library usage file and/or said audit rule file may include an INFO statement for an OBJECT organized according to a parent-child relationship where said OBJECT is said parent and said INFO statement is said child (column 7, line 16, 53-55).

As per claim 14, Li teaches the method in claim 12, wherein said library usage file and/or said audit rule may include a TASK statement for an OBJECT organized according to a parent-

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child relationship where said OBJECT is said parent and said TASK statement is said child (column 7, lines 53-55).

As per claim 15, Li teaches the method in claim 13, wherein said INFO statement increases a reporting ability of said quality monitor program (column 7, line 16; column 2, lines 44-67).

As per claim 16, Li teaches the method in claim 13, wherein said library usage file INFO statement includes a value which may be checked by said quality monitor program during said audit (column 7, lines 16-18).

As per claim 17, Li teaches the method in claim 13, wherein said audit rule INFO statement may include a value checking expression used by said quality monitor program during said audit (column 7, lines 16-18).

As per claim 18, Li teaches a method of auditing a design process, said method comprising: producing a library usage file for a step in a design process using design data (column 2, lines 44-67; column 6, lines 7-21); performing an audit by reading said library usage file and an audit rule into a quality monitor program (column 2, lines 44-67), wherein said library usage file includes an INFO statement that has a value which may be checked by said quality monitor program during said audit and wherein said audit rule INFO statement may include a value checking expression used by said quality monitor program during said audit (column 7, lines 16-18).

As per claim 19, Li teaches the method in claim 18, wherein said library usage file and/or said audit rule may include an OBJECT statement for a PROGRAM organized according to a



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parent-child relationship where said PROGRAM is said parent and said OBJECT statement is said child ((column 7, lines 53-56, 19 – column 8, line 30).

As per claim 20, Li teaches the method in claim 19, wherein said library usage file and/or said audit rule file may include an INFO statement for an OBJECT organized according to a parent-child relationship where said OBJECT is said parent and said INFO statement is said child (column 7, lines 16, 53-55).

As per claim 21, Li teaches the method in claim 19, wherein said library usage file and/or said audit rule may include a TASK statement for an OBJECT organized according to a parent-child relationship where said OBJECT is said parent and said TASK statement is said child (column 7, lines 53-55).

As per claim 22, Li teaches the method in claim 20, wherein said INFO statement increases a reporting ability of said quality monitor program (column 7, line 16; column 2, lines 44-67).

As per claim 23, Li teaches the method in claim 18, wherein there is a query for a processing mode (if present) for said design step using said design data and technology data (column 5, lines 39-46); said audit is performed by reading said library usage file, said processing mode, and an audit rule into a quality monitor program; and said report of errors in said library usage file is based on said audit rule and said processing mode (column 2, lines 44-67; column 6, lines 7-21; column 7, lines 1-5).

As per claim 24, Li teaches the method in claim 23, wherein said audit rule may include a condition used by said quality monitor to check said library usage file (column 2, lines 54-56).

As per claim 25, Li teaches the method in claim 24, wherein said quality monitor evaluates said condition using said processing mode to check said library usage file (column 2, lines 44-67).

As per claim 26, Li teaches a program storage device readable by machine tangibly embodying a program of instructions executable by said machine for performing a method of auditing a design process, said method comprising: producing a library usage file for a step in a design process using design data; performing an audit by reading said library usage file and an audit rule into a quality monitor program; and producing a report of errors in said library usage file based on said audit rule (column 2, lines 44-67; column 6, lines 7-21; column 7, lines 1-5).

As per claim 27, Li teaches the program storage device in claim 26, wherein said library usage file and/or said audit rule may include an OBJECT statement for a PROGRAM organized according to a parent-child relationship where said PROGRAM is said parent and said OBJECT statement is said child (column 7, lines 53-56; 10 – column 8, line 30).

As per claim 28, Li teaches the program storage device in claim 27, wherein said library usage file and/or said audit rule file may include an INFO statement for an OBJECT organized according to a parent-child relationship where said OBJECT is said parent and said INFO statement is said child (column 7, lines 16, 53-55).

As per claim 29, Li teaches the program storage device in claim 27, wherein said library usage file and/or said audit rule may include a TASK statement for an OBJECT organized according to a parent-child relationship where said OBJECT is said parent and said TASK statement is said child (column 7, lines 53-55).

As per claim 30, Li teaches the program storage device in claim 28, wherein said INFO statement increases a reporting ability of said quality monitor program (column 7, line 16; column 2, lines 44-67).

As per claim 31, Li teaches the program storage device in claim 28, wherein said library usage file INFO statement includes a value which may be checked by said quality monitor program during said audit (column 7, lines 16-18).

As per claim 32, Li teaches the program storage device in claim 28, wherein said audit rule INFO statement may include a value checking expression used by said quality monitor program during said audit (column 7, lines 16-18).

As per claim 33, Li teaches the program storage device in claim 26, wherein there is a query for a processing mode (if present) for said design step using said design data and technology data; said audit is performed by reading said library usage file, said processing mode, and an audit rule into a quality monitor program; and said report of errors in said library usage file is based on said audit rule and said processing mode (column 5, lines 39-46; column 2, lines 44-67; column 6, lines 7-21; column 7, lines 1-5).

As per claim 34, Li teaches the program storage device in claim 33, wherein said audit rule may include a condition used by said quality monitor to check said library usage file (column 2, lines 54-56).

As per claim 35, Li teaches the program storage device in claim 34, wherein said quality monitor evaluates said condition using said processing mode to check said library usage file (column 2, lines 44-67).

As per claim 36, Li teaches a computerized design system for performing a method of auditing a design process, said method comprising: producing a library usage file for a step in a design process using design data; performing an audit by reading said library usage file and an audit rule into a quality monitor program; and producing a report of errors in said library usage file based on said audit rule (column 2, lines 44-67; column 6, lines 7-21; column 7, lines 1-5).

As per claim 37, Li teaches the computerized design system in claim 36, wherein said library usage file and/or said audit rule may include an OBJECT statement for a PROGRAM organized according to a parent-child relationship where said PROGRAM is said parent and said OBJECT statement is said child (column 7, lines 53-56, 10 – column 8, line 30).

As per claim 38, Li teaches the computerized design system in claim 36, wherein said library usage file and/or said audit rule may include an OBJECT statement for a PROGRAM organized according to a parent-child relationship where said PROGRAM is said parent and said OBJECT statement is said child (column 7, lines 53-56, 10 – column 8, line 30).

As per claim 39, Li teaches the computerized design system in claim 37, wherein said library usage file and/or said audit rule may include a TASK statement for an OBJECT organized according to a parent-child relationship where said OBJECT is said parent and said TASK statement is said child (column 7, lines 53-56).

As per claim 40, Li teaches the computerized design system in claim 38, wherein said INFO statement increases a reporting ability of said quality monitor program (column 7, line 16; column 2, lines 44-67).

As per claim 41, Li teaches the computerized design system in claim 38, wherein said library usage file INFO statement includes a value which may be checked by said quality monitor program during said audit (column 7, lines 16-18).

As per claim 42, Li teaches the computerized design system in claim 38, wherein said audit rule INFO statement may include a value checking expression used by said quality monitor program during said audit (column 7, lines 16-18).

As per claim 43, Li teaches the computerized design system device in claim 36, wherein there is a query for a processing mode (if present) for said design step using said design data and technology data; said audit is performed by reading said library usage file, said processing mode, and an audit rule into a quality monitor program; and said report of errors in said library usage file is based on said audit rule and said processing mode (column 5, lines 39-46; column 2, lines 44-67; column 6, lines 7-21; column 7, lines 1-5).

As per claim 44, Li teaches the computerized design system in claim 43, wherein said audit rule may include a condition used by said quality monitor to check said library usage file (column 2, lines 54-56).

As per claim 45, Li teaches the computerized design system in claim 44, wherein said quality monitor evaluates said condition using said processing mode to check said library usage file (column 2, lines 44-67).

### ***Conclusion***


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (703)305-7599. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csm  
September 3, 2004

  
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